IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12927 of 2005

Between:

1 Bale Yohosua S/o Lazaru
Mandal Revenue Officer, Mudinepalli Mandal, Krishna District
2 Konal Yesuratnam S/o Yesobu
Mandal Revenue Officer, Mudinepalli Mandal, Krishna District
3 Thatipaka Syam Sunder Rao S/o Prakasam
Mandal Revenue Officer, Mudinepalli Mandal, Krishna District
4 Eda Kanta Raju S/o Venkata Ratnam
Mandal Revenue Officer, Mudinepalli Mandal, Krishna District
5 Matti Yeliya S/o narasayya
Mandal Revenue Officer, Mudinepalli Mandal, Krishna District

..... PETITIONERS

AND

1 Mandal Revenue Officer, Mudinepalli Mandal Krishna District
2 Revenue Divisional Officer, Gudivada, Krishna District
3 District Collector, KRishna District at Machilipatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction particularly one in the nature of Mandamus declaring the action of the respondents herein in trying to interfere with the possession and enjoyment of petitioners' land admeasuring Area 12-32 situated in Nos. 772, 774, 775, 776 and 787 of Vaivaka Village, Mudinepalli Mandal, Krishna District, without taking any proceedings under law, without issuing any prior show cause notice, as illegal arbitrary, unreasonable without authority of law, violative of principles of natural justice and contrary to the provisions of Articles 14,21 and 300-A of the Constitution of India and issue a consequential direction to the respondents herein not to interfere with petitioners' possession and enjoyment of their above said

land and pass such other order or orders as are deemed fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a Writ of Mandamus, declaring the action of the respondents herein in trying to interfere with the peaceful possession and enjoyment of petitioners' land situate in S.Nos. 772,774,775,776 and 787 of Vaivaka Village, Mudinepalli Mandal, Krishna District, without taking any proceedings under law and without issuing any prior show cause notice, as illegal, arbitrary, unreasonable, and consequently direct the respondents herein not to interfere with petitioners' possession and enjoyment of their land.

The learned counsel appearing for the petitioners submits that the D-Form pattas are in favour of the petitioners and the respondents without issuing any notice to the petitioners are trying to interfere with the peaceful possession and enjoyment of the petitioners' land situated in S.Nos. 772,774 to 776 and 787 of Vaivaka Village, Mudinepalli Mandal, Krishna District.

In view of the facts and circumstances, without going into the merits of the case, this Writ Petition is disposed of with a direction to the respondents not to interfere or dispossess the petitioners from peaceful possession and enjoyment over their land in S.Nos. 772, 774, 775, 776 and 787 of Vaivaka Village, Mudinepalli Mandal, Krishna District, without initiating due process of law. No order as to costs.

E. DHARMA RAO, J

DATED: 17/06/2005

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To

1 Mandal Revenue Officer, Mudinepalli Mandal Krishna District
2 Revenue Divisional Officer, Gudivada, Krishna District
3 District Collector, KRishna District at Machilipatnam

4. **Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT)**

5. **Two CD copies.**

6. 1 CC to MR.RAJAMALLA REDDY